

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE ENROLLED ACT No. 1663

AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-22-15-7, AS AMENDED BY P.L.153-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) An offeror may claim one (1) of the following types of preference for which the offeror is eligible:

- (1) An Indiana business preference under rules adopted under section 20 of this chapter or IC 4-13.6-6-2.5.
- (2) A preference for supplies as provided by sections 16, 18, ~~and~~ 19, **and 24** of this chapter.
- (3) An Indiana small business preference as provided by section 23 of this chapter.

(b) An offeror may not claim more than one (1) preference as provided by sections 16, 18, ~~and~~ 19, **and 24** of this chapter for a given supply item.

(c) This section does not:

- (1) apply to; or
- (2) limit;

action of the Indiana department of administration under rules adopted under section 21 of this chapter.

SECTION 2. IC 5-22-15-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 24. (a) This section applies in addition to any**



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requirements placed upon a governmental entity by the United States Department of Agriculture under the National School Lunch Program or the School Breakfast Program.

(b) This section applies to:

- (1) a governmental entity listed in section 1 of this chapter; or
- (2) a business that contracts with a governmental entity listed in section 1 of this chapter;

that purchases food or beverages to be processed and served in a building or room owned or operated by the governmental entity.

(c) High calcium foods and beverages are preferred supplies. A purchasing agent shall give a preference to foods and beverages that:

- (1) contain a higher level of calcium than products of the same type and quality; and
- (2) are equal in price to or lower in price than products of the same type and quality.

(d) Notwithstanding subsection (c), if the director of a state institution (as defined in IC 12-7-2-184) determines that a high calcium food or beverage that is preferred under subsection (c) would interfere with the proper treatment and care of a patient of the state institution, the purchasing agent for the state institution is not required to purchase the high calcium food or beverage for that patient.

SECTION 3. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 5-22-15-24, as added by this act, a purchasing agent who has entered into a contract with a supplier before July 1, 2001, to purchase food and beverages is not required to purchase high calcium foods and beverages if purchasing those products would change the terms of the contract.

(b) This SECTION expires July 1, 2003.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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HEA 1663 — Concur+

